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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/758,154 | 01/14/2004 | Saul Le-Garcia Rodolfo | D0932-00416 | 5769 |
| 8933 7590 08/08/2007 DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196 | | | EXAMINER SPAHN, GAY | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/758,154 | | RODOLOFO ET AL. | |
| | Examiner | | Art Unit | |
| | Gay Ann Spahn | | 3635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007 and 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-26, 28, and 29 is/are pending in the application.
- 4a) Of the above claim(s) 7, 11, 17-26 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10, 12-16 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of GROUP I (i.e., claims 1-8, 10-16, 28, and 29) in response to the restriction requirement and SPECIES 1 (i.e., Figs. 1 and 2) in response to the election of species requirement in the reply filed on 19 July 2007 is acknowledged.

The traversal is on the ground(s) that:

In the previous official action dated November 29, 2006, the Patent and Trademark Office (PTO) indicated that claims 13, 14, and 16 are allowed and claims 28 and 29 contain allowable subject matter. Examiner Spahn repeated this in the status of claims in the Advisory Action dated March 14, 2007, and Applicant filed an RCE with amendments including an amendment to overcome the objections to claims 28 and 29.

The present species requirement divides the previously allowed/allowable claims into different species, because claims 13, 14, 16 and 29 read on species I and II, and claim 28 reads on species V and VI.

Applicants thank the Examiner for her courtesy to their representative in a telephone interview on July 18. The Examiner stated that she believes it necessary to do a completely new search and examination starting from scratch, and that examination of all of the claims previously indicated as allowable would be an undue burden. The Examiner stated that she was not aware of specific prior art material to the previously allowed claims, but that she believed that additional class(es) or subclass(es) should be searched. The Examiner stated her position that this application should not be treated any differently than if no prior search or examination had been conducted.

Even assuming that the Examiner intends to search in additional classes or subclasses, claim 28, which reads on species V and VI has already been searched, examined and found to contain allowable subject matter by two previous examiners.

M.P.E.P. § 706.04 recites:

PREVIOUS ACTION BY DIFFERENT EXAMINER

Full faith and credit should be given to the search and action of a previous examiner unless there is a clear error in the previous action or knowledge of other prior art. In general~

an examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner, or make a new search in the mere hope of finding something. Amgen, Inc. v. Hoechst Marion Roussel, Inc., 126 F. Supp. 2d 69, 139, 57 USPQ2d 1449, 1499-50 (D. Mass. 2001).

Thus, the M.P.E.P. does not support the restriction between the species as laid out in the Action.

Further, even if the Examiner does supplement the searches that have already been done by two previous Examiners, the Examiner is not starting from scratch as she suggested in the interview. The Examiner already has the benefit of the search and analysis previously performed by her two colleagues (who both found claims 13, 14, 16, 28 and 29 to contain allowable subject matter), and the Examiner is merely supplementing the search and examination by two previous examiners.

Moreover, M.P.E.P. § 803 requires that, "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." [emphasis added].

Whatever work the Examiner may feel is necessary to supplement the search previously done on claims 13, 14, 16, 28 and 29 which have been found to contain allowable subject matter, her burden is lessened considerably by the search and analysis previously done by two Examiners.

Therefore, Species V and VI should be rejoined with species I and examined. Applicants submit that claims 1, 2, 3, 4, 5, 6, 8, 10, 12, 13, 14, 15, 16, 28 and 29 should all be examined and allowed in this application.

This is not found persuasive because it is proper for the present examiner not to give the previous two examiners full faith and credit since either there is clear error in the previous two office actions or else the present examiner has knowledge of other prior art as evidenced by the following rejections of the claims based upon U.S. Patent No. 6,421,964 to SCHIEDEGGER ET AL., U.S. Patent No. 4,102,587 to HERB ET AL., U.S. Patent Application Publication No. 2002/0124485 to PULTE, U.S. Patent No. 5,836,113 to BACHMAN, U.S. Patent Application Publication No. 2003/0131552 to

LEICHTFRIED , and U.S. Patent No. 5,956,914 to WILLIAMSON either alone or in combination.

The requirement is still deemed proper and is therefore made FINAL.

Claims 17-21 and 22-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected INVENTION, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 19 July 2007.

Claims 7, 11, and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected SPECIES, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 19 July 2007.

Allowable Subject Matter

The indicated allowability of claims 13, 14, and 16 is withdrawn in view of the following patents/publications, either alone or in combination: U.S. Patent No. 6,421,964 to SCHIEDEGGER ET AL., U.S. Patent No. 4,102,587 to HERB ET AL., U.S. Patent Application Publication No. 2002/0124485 to PULTE, U.S. Patent No. 5,836,113 to BACHMAN, U.S. Patent Application Publication No. 2003/0131552 to LEICHTFRIED , and U.S. Patent No. 5,956,914 to WILLIAMSON.

Rejections based on these references follow below.

Drawings

The drawings are objected to because:

(1) Fig. 1, the underlining under reference numeral 100 should be deleted and a lead line ending in an arrow and pointing toward the entirety of the trim accessory should be inserted as underlining under a reference numeral if only appropriate if the reference numeral is located on the structure it represents (see 37 CFR 1.84(q));

(2) Figs. 2 and 5, the metal cross-hatching (i.e., thin diagonal lines as noted in the Manual of Patent Examining Procedure (MPEP) § 608.02 IX) for the trim accessory 100 should be replaced with plastic cross-hatching (i.e., alternating thick and thin diagonal lines as noted in MPEP § 608.02 IX);

(3) Fig. 3, the underlining under reference numeral 200 should be deleted and a lead line ending in an arrow and pointing toward the entirety of the trim accessory should be inserted as underlining under a reference numeral if only appropriate if the reference numeral is located on the structure it represents (see 37 CFR 1.84(q));

(4) Figs. 4 and 6, the metal cross-hatching (i.e., thin diagonal lines as noted in MPEP § 608.02 IX) for the trim accessory 200 should be replaced with plastic cross-hatching (i.e., alternating thick and thin diagonal lines as noted in MPEP § 608.02 IX);

(5) Fig. 4, reference numeral 38 has no lead line;

(6) Fig. 7, the underlining under reference numeral 300 should be deleted and a lead line ending in an arrow and pointing toward the entirety of the trim accessory should be inserted as underlining under a reference numeral if only appropriate if the reference numeral is located on the structure it represents (see 37 CFR 1.84(q)) and the

metal cross-hatching (i.e., thin diagonal lines as noted in MPEP § 608.02 IX) for the trim accessory 300 should be replaced with plastic cross-hatching (i.e., alternating thick and thin diagonal lines as noted in MPEP § 608.02 IX); and

(6) Fig. 8, the underlining under reference numeral 400 should be deleted and a lead line ending in an arrow and pointing toward the entirety of the trim accessory should be inserted as underlining under a reference numeral if only appropriate if the reference numeral is located on the structure it represents (see 37 CFR 1.84(q)) and the metal cross-hatching (i.e., thin diagonal lines as noted in MPEP § 608.02 IX) for the trim accessory 400 should be replaced with plastic cross-hatching (i.e., alternating thick and thin diagonal lines as noted in MPEP § 608.02 IX).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3635

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

~~HIDDEN VENTILATION TRIM ACCESSORY~~ HAVING VENTILATION
APERTURES HIDDEN FROM VIEW WHEN MOUNTED ON BUILDING

Claim Objections

Claims 5, 6, 10, and 12 are objected to because of the following informalities:

(1) **claim 5**, lines 1-3, the recitation that "at least one of said bottom portion or connecting portion of said soffit receiver component or said front portion or connecting portion of said siding accessory receiver component includes said vent apertures" is not understood because claim 1 defines the additional portion as having the vent apertures and it is not clear if the additional portion is thus a part of the soffit receiver component or the siding accessory receiver component;

(2) **claim 6**, lines 1-4, the recitation of "a vent component connected to said soffit receiver component and located intermediate said soffit receiver component and said siding accessory receiver component, wherein said vent component includes said vent

apertures" is not understood because claim 1 defines the additional portion as having the vent apertures and thus it is not clear if the additional portion is the same thing as the vent component so that Applicant is claiming the same structure twice using different terminology;

(3) **claim 10**, line 4, the recitation of "vent apertures" is not understood because it is not clear if the vent apertures being claimed are the same as or different from the vent apertures recited in claim 8; and

(4) **claim 12** does not have a period punctuation mark at the end thereof.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by SCHIEDEGGER ET AL. (U.S. Patent No. 6,421,964).

As to claim 1, SCHIEDEGGER ET AL. disclose a trim accessory comprising:
a soffit receiver component (members 28, 34 defining channel 31 in Fig. 4);
a siding accessory receiver component (members above V-groove defining channel 29 in Fig. 4) integral with said soffit receiver component (members 28, 34 defining channel 31),

one (the siding accessory receiver component) of said soffit receiver component (members 28, 34 defining channel 31 in Fig. 4) and said siding accessory receiver component (members above V-groove 25 defining channel 29 in Fig. 4) having an attachment portion (26) that is shaped and positioned to be attached to a building, the attachment portion (26) having attachment apertures (50, 50), and

an additional portion (lower half of central portion 24) of said trim accessory, separate and distinct from said attachment portion (26), the additional portion (lower half of central portion 24) having a plurality of vent apertures (49, 49) disposed therethrough, said vent apertures (49, 49) being separate from the attachment apertures (50, 50), said vent apertures (49, 49) located so that they are substantially hidden from view (in back of molding insert member 20, 20' or 70), at least when the trim accessory is installed on a building (14 in Fig. 1) and a soffit accessory (16 in Fig. 1) and a siding accessory (13 in Fig. 2) are received into the corresponding soffit receiver component (members 28, 34 defining channel 31) and siding accessory receiver component (members above V-groove 25 defining channel 29).

As to claim 4, SCHIEDEGGER ET AL. disclose the trim accessory of claim 1 as discussed above, and SCHIEDEGGER ET AL. also disclose that said soffit receiver component (members 28, 34 defining channel 31 in Fig. 4) includes the attachment portion (upper leg or L-shaped upper lip 28 in Figs. 4 and 5), a bottom portion (34) and a connecting portion (other leg of L-shaped lip 28 in Figs. 4 and 5), and wherein said siding accessory receiver component (members above V-groove 25 defining channel

29) includes a back edge-portion (from V-groove 25 to bottom of central portion 24), a front portion (J-channel 30) and a connecting portion (member between 22 and 30).

As to claim 6, SCHIEDEGGER ET AL. disclose the trim accessory of claim 1 as discussed above, and SCHIEDEGGER ET AL. also disclose a vent component (upper half of central portion 24) connected to said soffit receiver component (members 28, 34 defining channel 31 in Fig. 4) and located intermediate said soffit receiver component (members 28, 34 defining channel 31 in Fig. 4) and said siding accessory receiver component (members above V-groove 25 defining channel 29 in Fig. 4), wherein said vent component (upper half of central portion 24) includes said vent apertures (48, 48).

As to claim 13, SCHIEDEGGER ET AL. disclose a trim accessory comprising:
a soffit receiver component (members 28, 34 defining channel 31 in Fig. 4) having an attachment edge portion (upper leg of L-shaped lip 28 in Fig. 4), a bottom portion (34) and a connecting portion (other leg of L-shaped lip 28 in Fig. 4 above V-groove 27), said attachment edge portion (upper leg of L-shaped lip 28), bottom portion (34), and connecting portion (other leg of L-shaped lip 28 above V-groove 27) defining a soffit receiving channel (31 in Fig. 4),

a siding accessory receiver component (members above V-groove 25 defining channel 29 in Fig. 4) integral with said soffit receiver component (members 28, 34 defining channel 31) and having a back edge portion (member above V-groove 25 and below bottom of central portion 24 in Fig. 4), a front portion (J-channel 30) and a connecting portion (member between bottom end of central portion 24 and J-channel 30), said back edge portion (member above V-groove 25 and below bottom of central

portion 24), front portion (30) and connecting portion (member between bottom end of central portion 24 and J-channel 30) defining a siding accessory receiving channel (29 in Fig. 4),

a vent component upper half of central portion 24) connected to the soffit receiver component (members 28, 34 defining channel 31) and located intermediate said soffit receiver component (members 28, 34 defining channel 31) and said siding accessory receiver component (members above V-groove 25 defining channel 29), wherein said vent component (upper half of central portion 24) includes vent apertures (48, 48); and

an aesthetic component (lower half of central portion 24) located intermediate said soffit receiver component (members 28, 34 defining channel 31) and siding accessory receiver component (members above V-groove 25 defining channel 29), wherein said aesthetic component (lower half of central portion 24) has a first end (middle of central portion 24) directly connected to the vent component (upper half of central portion 24) and a second end (bottom end of central portion 24) directly connected to the siding accessory receiver component (members above V-groove 25 defining channel 29).

Claims 8, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by HERB ET AL. (U.S. Patent No. 4,102,587).

As to claim 8, HERB ET AL. disclose a trim accessory comprising:

a soffit receiver component (members 4, 1, and 9 in Fig. 3) having an attachment edge portion (4), a bottom portion (9) and a connecting portion (1), said attachment edge portion (4), bottom portion (9) and connecting portion (1) defining a soffit receiving channel (space inside of bottom of flange 4, left side of leg 1, and top of wall 9 in Fig. 3), and

a siding accessory receiver component (members 5, 2, and 6 in Fig. 3) integral with said soffit receiver component (4, 1, 9) and having a back edge portion (6), a front portion (5) and a connecting portion (2), said back edge portion (6), front portion (5) and connecting portion (2) defining a siding accessory receiving channel (space inside of bottom of leg 2, right side of wall 6, and left side of flange 5 in Fig. 3),

wherein the connecting portion (2) and front portion (5) of the siding accessory receiver component (5, 2, 6) includes vent apertures (2a, 2b, 5a, 5b).

As to claim 10, HERB ET AL. disclose the trim accessory of claim 8 as discussed above, and HERB ET AL. also disclose a vent component (7 in Fig. 3) connected to the soffit receiver component (4, 1, and 9 in Fig. 3) and located intermediate said soffit receiver component (4, 1, 9) and said siding accessory receiver component (5, 2, and 6 in Fig. 3), wherein said vent component (7) includes vent apertures (7a, 7b).

As to claim 12, HERB ET AL. disclose the trim accessory of claim 10 as discussed above, and HERB ET AL. also disclose an aesthetic component (8 in Fig. 3) located intermediate said soffit receiver component (4, 1, and 9 in Fig. 3) and siding accessory receiver component (5, 2, and 6 in Fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over

SCHIEDEGGER ET AL. (U.S. Patent No. 6,421,964).

As to claim 14, SCHIEDEGGER ET AL. disclose the trim accessory of claim 13 as discussed above.

SCHIEDEGGER ET AL. fail to explicitly disclose that said aesthetic component is arc-shaped.

However, it is well settled that changes in shape do not constitute a patentable difference. See *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) (The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of SCHIEDEGGER ET AL. by making it be arc-shaped in order to have a more pleasing aesthetic appearance and because changes in shape do not constitute a patentable difference.

Claims 3 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHIEDEGGER ET AL. (U.S. Patent No. 6,421,964) in view of PULTE (U.S. Patent Application Publication No. 2002/0124485).

As to claim 3, SCHIEDEGGER ET AL. disclose the trim accessory of claim 1 as discussed above.

SCHIEDEGGER ET AL. fail to explicitly disclose a crown molding or cove molding located intermediate said soffit receiver component and said siding accessory receiver component, the crown molding or cove molding being formed from the same piece of material as said soffit receiver component and said siding accessory receiver component.

PULTE discloses a trim accessory which has a crown molding aesthetic component (16) located intermediate said soffit receiver component (59 in Fig. 11) and said siding accessory receiver component (members defining channel 63 in Fig. 11), the crown molding (16) being formed from the same piece of material as said soffit receiver component (59) and said siding accessory receiver component (members defining channel 63 in Fig. 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of SCHIEDEGGER ET AL. by making the crown molding be located intermediate the soffit receiver component and the siding accessory receiver component and be formed from the same piece of material as the soffit receiver component and the siding accessory receiver component as taught by

PULTE in order to make the trim accessory have a more pleasingly aesthetic appearance and be easier to manufacture.

As to claim 29, SCHIEDEGGER ET AL. disclose the trim accessory of claim 13 as discussed above.

SCHIEDEGGER ET AL. fail to explicitly disclose that the aesthetic component is a crown molding or a cove molding.

PULTE discloses a trim accessory which has a crown molding aesthetic component (16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of SCHIEDEGGER ET AL. by making the aesthetic component be crown molding as taught by PULTE in order to make the trim accessory have a more pleasingly aesthetic appearance.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over SCHIEDEGGER ET AL. (U.S. Patent No. 6,421,964) in view of BACHMAN (U.S. Patent No. 5,836,113).

As to claim 2, SCHIEDEGGER ET AL. disclose the trim accessory of claim 1 as discussed above, and SCHIEDEGGER ET AL. also disclose that the trim accessory is comprised of plastic.

SCHIEDGGER ET AL. fail to explicitly disclose that the trim accessory is comprised of polyvinylchloride.

BACHMAN discloses a trim accessory comprised of polyvinylchloride.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of SCHIEDEGGER ET AL. by making the trim accessory be comprised of polyvinylchloride as taught by BACHMAN in order to provide an inexpensive, easy to manufacture trim accessory having the particular advantages associated with PVC.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over SCHIEDEGGER ET AL. (U.S. Patent No. 6,421,964) in view of LEICHTFRIED (U.S. Patent Application Publication No. 2003/0131552).

As to claim 5, SCHIEDEGGER ET AL. disclose the trim accessory of claim 4 as discussed above.

SCHIEDEGGER ET AL. fail to explicitly disclose that at least one of said bottom portion or connecting portion of said soffit receiver component or said front portion or connecting portion of said siding accessory receiver component includes said vent apertures.

LEICHTFRIED discloses an element (290 in Fig. 14) for supporting a soffit (282 and a siding panel (30), wherein the connecting portion of the siding accessory receiver component includes vent holes (296).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of SCHIEDEGGER ET AL. by making the siding accessory receiver component have vent holes on the connecting portion as

taught by LEICHTFRIED in order to allow circulation of air to prevent build-up of moisture.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over PULTE (U.S. Patent Application Publication No. 2002/0124485) in view of SCHIEDEGGER ET AL. (U.S. Patent No. 6,421,964).

As to claim 1, PULTE discloses a trim accessory comprising:

a soffit receiver component (59 in Fig. 11);

a siding accessory receiver component (members defining channel 63 in Fig. 11) integral with said soffit receiver component (59),

one (siding accessory receiver component) of said soffit receiver component (59) and said siding accessory receiver component (members defining channel 63) having an attachment portion (61) that is shaped and positioned to be attached to a building, and

an additional portion (lower portion of 16 or upper portion of 18) of said trim accessory, separate and distinct from said attachment portion (61).

PULTE discloses that fails to explicitly disclose the attachment portion having attachment apertures and the additional portion having a plurality of vent apertures disposed therethrough, said vent apertures being separate from the attachment apertures.

SCHIEDEGGER ET AL. disclose a trim accessory (18 in Figs. 3-5) having an attachment portion (26) which has attachment apertures (50, 50) and an additional

portion (24) having a plurality of vent apertures (48, 49) disposed therethrough, the vent apertures (48, 49) being separate from the attachment apertures (50, 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of PULTE by including attachment apertures on the attachment portion and vent apertures on the additional portion as taught by SCHIEDEGGER ET AL. in order to more tightly attach the trim accessory to the building, while at the same time allowing for some venting around the fasteners.

The examiner notes that Applicants are claiming a trim accessory per se and are not claiming a trim accessory in combination with the building it is installed on, a soffit accessory, and a siding accessory. Therefore, the recitation of "said vent apertures located so that they are substantially hidden from view, at least when the trim accessory is installed on a building and a soffit accessory and a siding accessory are received into the corresponding soffit receiver component and siding accessory receiver component" imparts no structure that is not shown by the combination of PULTE in view of SCHIEDEGGER ET AL.

As to claim 3, PULTE in view of SCHIEDEGGER ET AL. discloses the trim accessory of claim 1 as discussed above, and PULTE also discloses a crown molding (16) located intermediate said soffit receiver component (59 in Fig. 11) and said siding accessory receiver component (members defining channel 63 in Fig. 11), the crown molding (16) being formed from the same piece of material as said soffit receiver component (59) and said siding accessory receiver component (members defining channel 63 in Fig. 11).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over PULTE (U.S. Patent Application Publication No. 2002/0124485) in view of SCHIEDEGGER ET AL. (U.S. Patent No. 6,421,964), as applied to claim 1 above, and further in view of BACHMAN (U.S. Patent No. 5,836,113).

As to claim 2, PULTE in view of SCHIEDEGGER ET AL. disclose the trim accessory of claim 1 as discussed above, and SCHIEDEGGER ET AL. also disclose that the trim accessory is comprised of a thermoplastic.

Neither PULTE nor SCHIEDGGER ET AL. explicitly disclose that the trim accessory is comprised of polyvinylchloride.

BACHMAN discloses a trim accessory comprised of polyvinylchloride.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of PULTE in view of SCHIEDEGGER ET AL. by making the trim accessory be comprised of polyvinylchloride as taught by BACHMAN in order to provide an inexpensive, easy to manufacture trim accessory having the particular advantages associated with PVC.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over HERB ET AL. (U.S. Patent No. 6,421,964) in view of WILLIAMSON (U.S. Patent No. 5,956,914).

As to claim 15, HERB ET AL. disclose the trim accessory of claim 8 as discussed above.

HERB ET AL. fail to explicitly disclose that the trim accessory is a one-piece plastic extruded article.

WILLIAMSON discloses a trim accessory (55 of Fig. 10) which is a one-piece plastic (vinyl - see col. 7, line 12).

With respect to "extruded", the examiner notes that this is a product-by-process limitation and in product-by-process claiming, it is the product that is being claimed and therefore, the recitation of "extruded" does not present any structure that is not shown by the combination of HERB ET AL. in view of WILLIAMSON.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of HERB ET AL. by making it be a one-piece plastic article as taught by WILLIAMSON in order to make the trim accessory lightweight and corrosion-resistant.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over PULTE (U.S. Patent Application Publication No. 2002/0124485) in view of LEICHTFRIED (U.S. Patent Application Publication No. 2003/0131552).

As to claim 16, PULTE discloses a trim accessory comprising:

a soffit receiver component (59 in Fig. 11) having an attachment edge portion (upper portion of U-shaped member 59 in Fig. 11), a bottom portion (lower portion of U-shaped member 59 in Fig. 11) and a connecting portion (curved portion of U-shaped member 59 in Fig. 11), said attachment edge portion (upper portion of U-shaped member 59 in Fig. 11), bottom portion (lower portion of U-shaped member 59 in Fig. 11)

and connecting portion (curved portion of U-shaped member 59 in Fig. 11) defining a soffit receiving channel (inside of U-shaped member 59 in Fig. 11), and

a siding accessory receiver component (members defining channel 63) integral with said soffit receiver component (59) and having a back edge portion (member parallel with 61 in Fig. 11), a front portion (61) and a connecting portion (member connecting 61 with member parallel to 61), said back edge portion (member parallel to 61 in Fig. 11), front portion (61) and connecting portion (member connecting 61 with member parallel to 61) defining a siding accessory receiving channel (63),

wherein the trim accessory is a one-piece plastic (see page 2, last sentence of paragraph no. [0032]) post-formed extruded article (the examiner notes that "post-formed extruded" are product-by-process limitations and it is the product that is being claimed).

PULTE fails to explicitly disclose that at least one of said bottom portion or connecting portion of said soffit receiver component or said front portion or connecting portion of said siding accessory receiver component includes vent apertures.

LEICHTFRIED discloses apertures (296) on the connecting portion of the siding accessory receiver component (from 300 back to member connected to wall 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trim accessory of PULTE by making at least one of said bottom portion or connecting portion of said soffit receiver component or said front portion or connecting portion of said siding accessory receiver component includes vent

apertures as taught by LEICHTFRIED in order to ventilate the siding to prevent moisture from building up and harming the siding.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patent cited of interest as showing various configuration of trim accessories include: U.S. Patent Application Publication No. 2002/0124484 to Martin; U.S. Patent No. 6,539,675 to Gile; U.S. Patent No. 5,560,158 to Norton; U.S. Patent Application Publication No. 2004/0216397 to Sigmund; and U.S. Patent No. 2005/0223657 to Brochu et al.

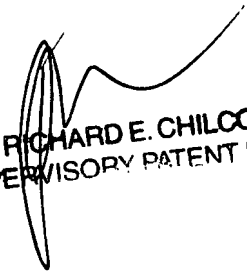
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Art Unit: 3635

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July 25, 2007


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